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Rebecca A. Baumann
Signature: Rebecca A. Baumann

PATENT

Attorney Docket No. ATH-0114-1P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): William J. McFarland, et al.)	
)	Art Unit: 2666
Application No.: 10/730,883)	
)	Examiner: Dang T. Ton
Filed: 12/8/2003)	
)	
Title METHODS FOR IMPLEMENTING A)	
DYNAMIC FREQUENCY SELECTION (DFS))	
AND A TEMPORARY CHANNEL SELECTION)	
FEATURE FOR WLAN DEVICES)	

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and non-U.S. patent, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP § 609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56.

- ☒ This statement qualifies under 37 C.F.R. § 1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
 - ☒ (3) It is being filed before the mail date of the first Office Action on the merits.
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114
- ☐ 37 C.F.R. § 1.97(c). If this statement is being filed after the period specified in § 1.97(b), but before the mailing date of the earlier of a final office action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, then:
- ☐ a certification as specified in § 1.97(e) is provided below; **or**
 - ☐ a fee of \$180.00 as set forth in § 1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. § 1.97(d). If this statement is being filed after the period specified in § 1.97(c), but on or before payment of the issue fee, then:
- A. a certification as specified in § 1.97(e) is completed below; **and**
 - B. a fee of \$180.00 as set forth in § 1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0574 (Docket No. ATH-0114-1P).

Respectfully submitted,

BEVER, HOFFMAN & HARMS, LLP

Dated: 8-27-04

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number		10/730,883	
				Filing Date		12/8/2003	
				First Named Inventor:		William J. McFarland	
				Examiner: Dang T. Ton		GROUP: 2666	
Sheet	1	of	1	Attorney Docket Number		ATH-0114-1P	
U.S. PATENT DOCUMENTS							
Examiner Initials*	Cited No. ¹	Document Number Number - Kind Code ^{2(f known)}		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document		Pages, Columns, Lines Where Relevant Passages or Figures Appear
	A01	US-5,809,335		09/1998	Kamiya		
	A02	US-2003/0107512	A1	06/2003	McFarland et al.		
	A03	US-2003/0206130	A1	11/2003	Husted et al.		
	A04	US-2004/0042396	A1	04/2004	Brown et al.		
	A05	US-5,355,522		10/1994	Demange		
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document Cntry Code ³ Number ⁴ Kind Code ^{5 (f known)}		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document		Pages, Columns, Lines Where Relevant Passages or Figures Appear
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	Draft Supplement to STANDARD FOR Telecommunications and Information Exchange Between Systems-LAN/MAN Specific Requirements-; Part 11: Wireless Medium Access Control (MAC) and Physical; IEEE Std 802.11h/DO.1, July 2001; 29 pgs.						
	Working Document Towards A Preliminary Draft New Recommendation On Dynamic Frequency Selection In 5GHz RLANS; Int'l. Telecommunication Union; Radiocommunication Study Groups; 11/13/2001; 40 pgs.						
	Attachment 4 From Oct 8B Chairmans Report; 12/18/2002; 13 pgs; author unknown						
EXAMINER SIGNATURE:					DATE CONSIDERED:		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2. *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.